

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JUSTIN MARCUS ZINMAN,) Case No.: 1:25-cv-00687-KES-HBK (HC)
Petitioner,)
v.) ORDER ADOPTING FINDINGS AND
CALIFORNIA BOARD OF PAROLE) RECOMMENDATIONS, DISMISSING
HEARINGS,) PETITION FOR WRIT OF HABEAS CORPUS,
Respondent.) DIRECTING CLERK OF COURT TO CLOSE
) CASE, AND DECLINING TO ISSUE
) CERTIFICATE OF APPEALABILITY
) Docs. 1, 16
)

Petitioner Justin Marcus Zinman is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Doc. 1. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

The assigned magistrate judge conducted a preliminary review under Rule 4 of the Rules Governing Section 2254 Cases, and on July 21, 2025, issued findings and recommendations recommending that the petition be dismissed for failure to exhaust state remedies. Doc. 16. Those findings and recommendations were served upon all parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. Petitioner timely filed objections to the findings and recommendations. Doc. 17.

In accordance with the provisions of 28 U.S.C. § 636(b)(1), the Court has conducted a de novo review of the case. Having carefully reviewed the file, the Court concludes that the findings

1 and recommendations are supported by the record and proper analysis. The objections restate
2 petitioner's general allegation, made in his petition and in the response to the order to show cause,
3 that the State of California is biased against him, but they fail to establish any basis to excuse
4 petitioner's failure to exhaust his state remedies. *See* Doc. 17.

5 A petitioner seeking a writ of habeas corpus has no absolute entitlement to appeal a
6 district court's denial of his petition, and an appeal is allowed only in certain circumstances.
7 *Miller-El v. Cockrell*, 537 U.S. 322, 335–36 (2003); 28 U.S.C. § 2253. If a court denies a habeas
8 petition on the merits, the court may issue a certificate of appealability only “if jurists of reason
9 could disagree with the district court’s resolution of [the petitioner’s] constitutional claims or that
10 jurists could conclude the issues presented are adequate to deserve encouragement to proceed
11 further.” *Miller-El*, 537 U.S. at 327; *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). While the
12 petitioner is not required to prove the merits of his case, he must demonstrate “something more
13 than the absence of frivolity or the existence of mere good faith on his . . . part.” *Miller-El*, 537
14 U.S. at 338. The Court finds that reasonable jurists would not find the Court’s determination that
15 the petition should be denied debatable or wrong, or that the issues presented are deserving of
16 encouragement to proceed further. Petitioner has not made the required substantial showing of
17 the denial of a constitutional right. Therefore, the Court declines to issue a certificate of
18 appealability.

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1 Based upon the foregoing, the Court ORDERS:

2 1. The findings and recommendations issued on July 21, 2025, Doc. 16, are
3 ADOPTED in full;
4 2. The petition for writ of habeas corpus, Doc. 1, is DISMISSED;
5 3. The Court declines to issue a certificate of appealability;
6 4. The Clerk of the Court is directed to terminate any pending deadlines/motions and
7 CLOSE the case.

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9 IT IS SO ORDERED.

10 Dated: August 28, 2025



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UNITED STATES DISTRICT JUDGE

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